

(SLPS) is responsible for the permanent relocation assistance program. The AD executes Cooperative Agreements with States for implementation of the permanent relocation programs.

(b) The Assistant Associate Director (AAD) for Disaster Assistance Programs (DAP) is responsible for managing the permanent relocation assistance program and site-specific operations including:

(1) Participating with EPA in preliminary site-specific planning, review of relocation options, and in determining relocation cost projections;

(2) Negotiating interagency agreements with EPA which define the scope and funding level of permanent relocation projects;

(3) Negotiating cooperative agreement with States and other parties to address the roles and responsibilities of FEMA and other parties involved in permanent relocation programs; and

(4) Providing permanent relocation assistance.

(c) FEMA Regional Directors are responsible for the following:

(1) Referring all inquiries concerning permanent relocation actions to the Assistant Associate Director, DAP, and

(2) Providing staff support to the Assistant Associate Director, DAP.

§ 221.7 State commitments.

Permanent relocation assistance can be implemented only after the State enters into a cooperative agreement with FEMA which documents its agreements to the following:

(a) To take title to all real property in accordance with section 104(j)(2) of CERCLA, as amended;

(b) To condemn property when necessary to obtain title, unless the State is able to demonstrate that State law does not authorize such condemnations;

(c) To pay the percentage of the cost of the permanent relocation program required by section 104(c)(3) of CERCLA, as amended;

(d) To restrict the use of purchased property to those purposes determined to be acceptable by State and federal health officials and to distribute proceeds of any subsequent sale on the same cost-share basis indicated in paragraph (c) of this section;

(e) To coordinate all permanent relocation activities with FEMA.

§ 221.8 State administration.

States may elect to administer permanent relocation activities in lieu of FEMA administration. When a State agrees to administer all or part of the relocation activity, the State must submit a permanent relocation plan to the Assistant Associate Director, Disaster Assistance Program, State and Local Programs and Support for FEMA approval and implement the plan in accordance with these regulations and the Uniform Regulations. The plan shall include the items listed below:

(a) Identification of the State and/or local agencies assigned relocation responsibilities;

(b) A narrative defining the scope of the relocation project to include an organization and staffing plan;

(c) Budget and estimated outlay schedule;

(d) Time frames within which tasks will be accomplished; and

(e) Procedures to be used in providing assistance.

(Approved by the Office of Management and Budget under control number 3067-0156)

Subpart B—Real and Personal Property Acquisition

§ 221.9 Real property acquisition.

(a) Real property will be acquired when EPA determines acquisition is necessary under CERCLA.

(b) Real property will be acquired pursuant to 49 CFR part 24.

(c) Only real property specifically identified by EPA or the lead Federal agency by individual address or site boundaries will be acquired.

(d) The property owner must grant the government permission to conduct CERCLA related activities on his or her property before relocation assistance may be provided to the owner.

(e) Only real property located within the site boundary at the time of the formal announcement (as defined in 49 CFR part 24, subpart A, § 24.2(k)) by EPA of the need for a permanent relocation, and which remains within the site boundaries at the time of closing, will be acquired.

§ 221.10 Personal property acquisition.

Personal property acquisition will be accomplished as prescribed in 44 CFR 220.13.

Subpart C—Relocation Assistance**§ 221.11 Relocation assistance.**

Relocation assistance will be provided to all displaced persons pursuant to 49 CFR part 24, subpart C. Additional requirements and considerations are:

(a) Those eligible for permanent relocation assistance may be required to vacate their property immediately to a temporary location because of the danger continued occupancy may pose to the health and safety of the occupants or the public.

(b) Pursuant to the requirements of Executive Order 11988 and 44 CFR part 9, persons displaced by a CERCLA action will not be relocated to areas in a floodplain unless there are not practicable alternative housing sites.

(c) Persons displaced by a CERCLA action and who permanently relocate to an area of special hazard (as defined in the Flood Disaster Protection Act of 1973, Pub. L. 93-234) will not be eligible for federal financial assistance for acquisition or construction purposes (pursuant to section 102(a) of the Act) if they do not purchase flood insurance.

(d) Persons displaced are not eligible for assistance to relocate to special flood hazard areas of communities which do not participate in the Flood Insurance Program.

Subpart D—Payments for Moving and Related Expenses**§ 221.12 Moving and related expenses.**

Payments for moving and related expenses will be provided as prescribed in 49 CFR part 24, subpart D.

Subpart E—Replacement Housing Payments**§ 221.13 Replacement housing payments.**

Payments for replacement housing will be provided as prescribed in 49 CFR part 24, subpart E.

Subpart F—Mobile Homes**§ 221.14 Mobile homes.**

Assistance for mobile home owners and occupants will be provided as prescribed in 49 CFR part 24, subpart F.

PART 222—SUPERFUND COST SHARE ELIGIBILITY CRITERIA FOR PERMANENT AND TEMPORARY RELOCATION

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AUTHORITY: Reorganization Plan Number 3 of 1978; 42 U.S.C. 9601 *et seq.*; Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510; Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499; E.O. 12580, Superfund Implementation.

SOURCE: 52 FR 6800, Mar. 5, 1987, unless otherwise noted.

§ 222.1 Purpose.

This part prescribes the criteria to be followed by the Federal Emergency Management Agency (FEMA), or any state acting on its behalf when implementing cost sharing under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), *as amended*, also known as Superfund.

§ 222.2 Definitions.

(a) *Acceptable contributions* means either cash (or its equivalent, appropriated funds) or the value of contributions of goods, facilities or services, or combinations of these, that can qualify for and meet matching share requirements.

(b) *Allowable costs* means those eligible, reasonable and necessary, costs which are permitted under the appropriate Federal cost principles, in accordance with FEMA policy, within the scope of the project, authorized for FEMA participation and in accordance